

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE**

<b>COMCAST OF THE SOUTH, a General</b>	)	
<b>Partnership and COMCAST OF GEORGIA,</b>	)	
<b>INC.,</b>	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	<b>No. 3:03-CV-481</b>
	)	<b>Judge Phillips</b>
<b>DAVID L. MCCULLAR,</b>	)	
<b>Defendants.</b>	)	

**MEMORANDUM AND ORDER**

This is an action by providers of cable television programming seeking declaratory and injunctive relief and monetary damages against defendant for distributing unauthorized "pirate" cable television descrambling devices and equipment in violation of Federal statutes. Currently pending before the court is defendant's motion for dismissal of all charges. For the reasons which follow, the defendant's motion will be denied.

Defendant David L. McCullar has moved the court to dismiss this action against him on the grounds that Comcast has violated his "financial privacy rights." Specifically, McCullar alleges that Comcast has obtained numerous financial records belonging to him and that Comcast took action to have his PayPal account locked in violation of Tennessee Code Annotated §§ 45-10-106(1) & (2) and 45-10-107(a)(1) & (a)(2).

The record in this case shows that Comcast issued a proper subpoena to accountant David Pearson for defendant's financial records, so this allegation is false. The information requested was clearly relevant to the pending matter and is discoverable under the Federal Rules of Civil Procedure.

McCullar also alleges that Comcast took action to have his PayPal account locked. However, the record shows that Comcast properly served PayPal, Inc., with a copy of the court's temporary restraining order, asset freeze, and order for expedited discovery [Doc. 14]. All decisions and resulting actions by PayPal in response to the order were independent actions taken by PayPal.

Based upon a review of the record in this case, the court finds defendant McCullar's allegations without merit. It appears to the court that all of the documents and information obtained by Comcast in this matter have been obtained using authorized methods in accordance with the Federal Rules of Civil Procedure. Accordingly, defendant's motion for dismissal of all charges [Doc. 63] is **DENIED**.

**IT IS SO ORDERED.**

**ENTER:**

s/ Thomas W. Phillips  
United States District Judge